



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,837	03/03/2000	Frank D. Tuttle	800470	9750
23372 7590 09/08/2008 TAYLOR RUSSELL & RUSSELL, P.C. 4807 SPICEWOOD SPRINGS ROAD BUILDING TWO SUITE 250 AUSTIN, TX 78759			EXAMINER POINVIL, FRANTZY	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Douglas D. Russel  
Taylor Russell & Russell, P.C.  
4807 Spicewood Springs Road  
Building Two Suite 250  
Austin, TX 78759-8435

MAILED  
FROM DIRECTORS OFFICE

SEP 05 2008

TECHNOLOGY CENTER 3600

In re Application of:	:	<b>DECISION ON PETITION</b>
Frank D. Tuttle	:	<b>UNDER 37 CFR 1.181</b>
Application No. 09/518,837	:	
Filed: March 3, 2000	:	
For: Loan Compliance Auditing	:	
System and Method	:	

This is in response to Applicant's petition under 37 CFR 1.181(a)(1) filed April 4, 2007 requesting withdrawal of the Examiner's rejection of Applicant's claims 1-42 in the Office action mailed February 7, 2007.

The Petition is **DISSMISSED as Moot**.

Applicant alleges that the Non-Final rejection mailed on February 7, 2007 is premature because the examiner did not have the authority to reopen or reconsider prosecution of the proceedings for matters already adjudicated by the Board of Patent Appeals and Interferences.

A review of the record reveals that sufficient cause were shown as the examiner has properly reopened the prosecution of the application as the non-final Office action mailed on February 7, 2007 was clearly approved by the acting director and it was based on the new grounds of rejections proposed by the Board of Patent Appeals and Interferences' suggestions. The new grounds of rejections were clearly articulated by administrative judge Levy in the decision and the opinion presented in the decision rendered on March 24, 2006 (See BPAI Decision page 13-15).

For the foregoing reasons, the Office action mailed on February 7, 2007 is proper and no abuse of discretion or arbitrary or capricious action is evidenced. Furthermore, a Notice of Allowability was mailed on June 26, 2008. Accordingly, the petition is dismissed as moot.

Questions concerning this decision should be referred to SPE Kambiz Abdi at (571) 272-6702.

Summary: **Petition DISMISSED as Moot**



---

Wynn Coggins, Director  
Patent Technology Center 3600  
(571) 272-5250

TZ